



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111
• FAX (360) 753-1112 • Toll Free 1-877-601-2828 • E-mail: pdcc@pdcc.wa.gov • Website: www.pdcc.wa.gov

December 22, 2015

Ozzie Knezovich
6610 North Wood Road
Spokane WA 990260

Order sent electronically to Ozzie Knezovich "ozzieknezovich@gmail.com"

Subject: PDC Case No. 15-035

Dear Sheriff Knezovich:

Enclosed is a copy of the Public Disclosure Commission's Order Imposing Fine that was entered in the above-referenced case. The Presiding Officer assessed a \$350 civil penalty, of which \$250 of the penalty is suspended on the following conditions:

1. You commit no further violations of RCW 42.17A for a period of four years from the date of the order; and
2. The \$100 non-suspended portion of the penalty is paid within 30 days of the date of the Order.

The \$100 non-suspended portion of the penalty is due to be paid no later than January 21, 2016.

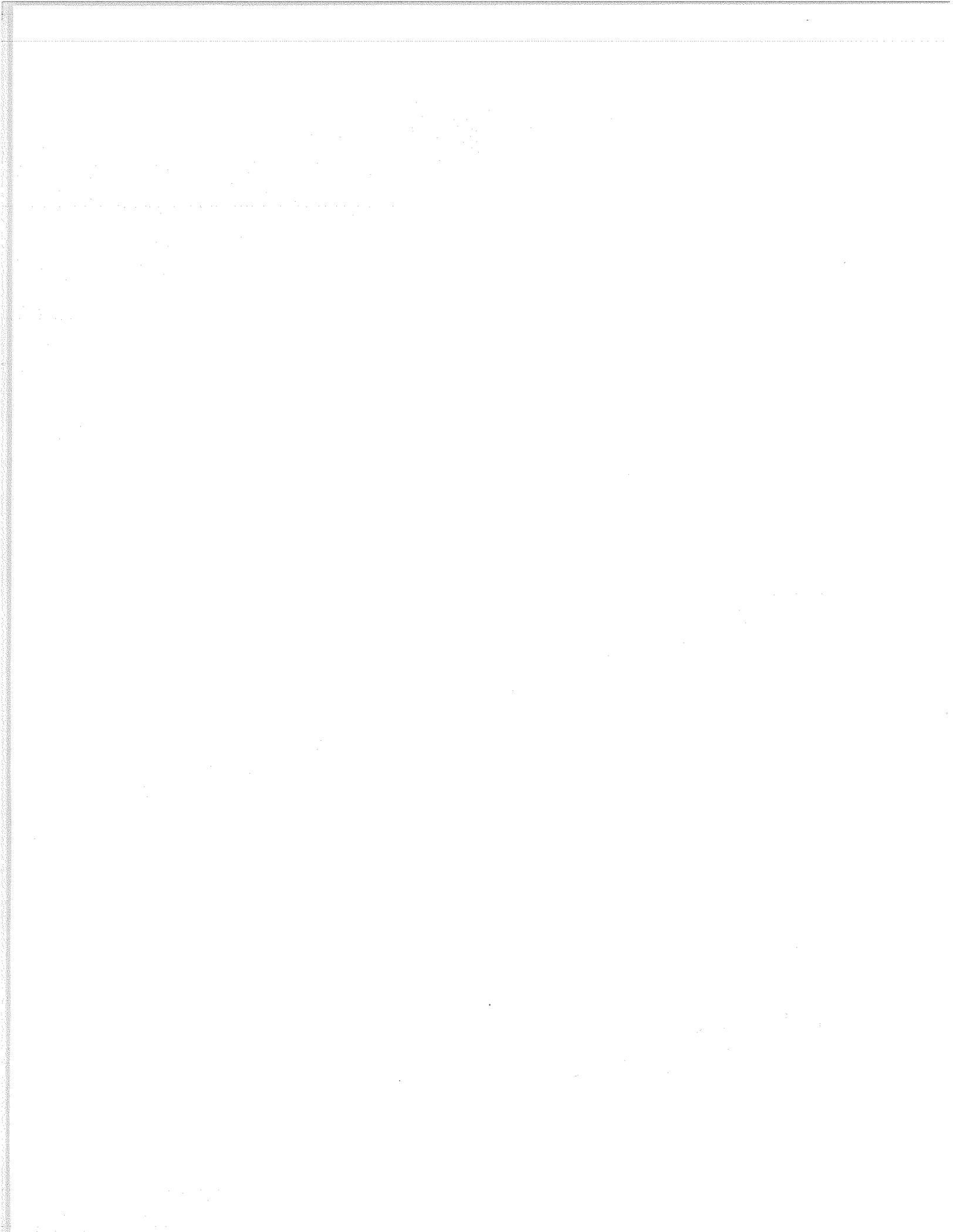
The Presiding Officer dismissed the allegation concerning a violation of RCW 42.17A.575 against you for the Public Service Announcement billboard. Thank you for your participation in the Brief Enforcement hearing.

If you have any questions, please contact me at (360) 664-8854; or by email.

Sincerely,


Kurt Young
Compliance Officer

Enclosure





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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

Ozzie Knezovich
6610 North Wood Road
Spokane WA 990260

In Re Compliance with RCW 42.17A

Ozzie Knezovich

Respondent.

PDC Case No. 15-035

Findings of Fact,
Conclusions of Law, and
Order Imposing Fine

A brief enforcement hearing (brief adjudicative proceeding) was held December 17, 2015, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether Ozzie Knezovich, an incumbent Spokane County Sheriff and a candidate seeking re-election to that office in 2014, violated: (1) RCW 42.17A.555 by using and authorizing the use of the facilities of the Spokane County Sheriff's Office, including the county's email system and staff time, to assist his 2014 re-election campaign; and (2) RCW 42.17A.575 by appearing in a billboard Public Service Announcement (PSA) during 2014, the same year in which his name appeared on the ballot as a candidate for Spokane County Sheriff.

The hearing was held in accordance with Chapters 34.05 and 42.17A RCW and Chapter 390-37 WAC. A brief enforcement hearing notice was sent to Ozzie Knezovich on December 2, 2015. Commission Chair Katrina Asay was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. The Respondent participated by telephone and provided testimony to the Presiding Officer.

Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent is an incumbent Spokane County Sheriff, having been elected to that office in 2006, and re-elected in 2010, and was a candidate seeking re-election to that office in 2014.
2. On June 2, 2014, a press release was issued on Spokane County Sheriff's Office letterhead and sent from Spokane County Deputy Sheriff Craig Chamberlin using his Sheriff's office computer and email address.

3. The press release stated that the Spokane County Sheriff's Lieutenants and Captains Association (SCSLCA) voted to endorse the Respondent for re-election as Sheriff, and was distributed to approximately 15 media outlets in the greater Spokane County area, and sent to Spokane County Sheriff's Office employees and personnel.
4. On June 2, 2014, Deputy Chamberlin received an email from a member of the SCSLCA Guild with an attached Word document, containing information about the SCSLCA endorsement of the Respondent. Deputy Chamberlin stated the Respondent contacted him in person later that day in his office, and asked him if he had received the SCSLCA information, and Deputy Chamberlin confirmed that he had received the endorsement information.
5. Deputy Chamberlin stated the Respondent instructed him to "push it out" which he understood to mean to send out the SCSLCA endorsement information as an official Sheriff's Office press release. Deputy Chamberlin stated that at the time, he was not familiar with the prohibitions found in RCW 42.17A.555 concerning the use of facilities, and he sent out the information as an official press release of the Spokane County Sheriff's Office. He estimated that he spent a total of five minutes preparing and sending out the press release.
6. The Respondent confirmed speaking with Deputy Chamberlin about the SCSLCA endorsement in his office, and that he verbally gave him the okay to send out the press release, but did not think that Deputy Chamberlin "...would do an official press release and send it out, not only using the County email system, but on Sheriff's Office letterhead."
7. The Respondent took responsibility for the miscommunication and stated that it was his fault for not asking how Deputy Chamberlin was going to put out the press release. He stated that he considered the information to be "...an official union communication" from the SCSLCA and not an official Spokane County Sheriff's Office communication.
8. The Respondent stated the PSA billboards were for the Crime Check (CC) program, a service that assists citizens with reporting non-emergency 911 calls for Spokane County. The billboards were created by Lamar Advertising and began appearing in Spokane County in late April or early May of 2013. The Respondent stated the billboards featured a picture of him in uniform along with his title, the Spokane County Sheriff's Office telephone number, and information concerning CC, and remained up throughout 2013 and into early 2014.
9. The Respondent stated there was a brief discussion concerning the CC billboards at a January 2014 campaign-related event, in which he was asked why the CC billboards only featured him, and that his opponent and the complainant raised the issue of him being featured in the PSA's throughout the 2014 campaign. He stated he first became aware that the CC billboards might be considered PSA's when he saw one of the billboards while he and his wife were driving around Spokane County in March of 2014.
10. The Respondent stated that he contacted Lamar Advertising and asked a representative if they considered the CC billboards to be PSA advertisements, which they did. He stated that he informed Lamar Advertising that state law prohibits public officials from appearing in PSA advertisements during the same year in which the officials name appears on the ballot as a candidate for election, and requested they take down the PSA billboards.

11. The Respondent stated that Lamar Advertising began taking down the billboards shortly after he contacted them in March of 2014. He acknowledged that it took some time for Lamar Advertising to have all of the PSA billboards taken down, since there were a number of billboards throughout Spokane County and Lamar placed the PSA advertisements on whatever billboards were vacant.

CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concludes as follows:

1. This matter was duly and properly convened and all jurisdictional, substantive and procedural requirements have been satisfied.
2. The Respondent violated RCW 42.17A.555 on one occasion by directing and authorizing Spokane County Sheriff's Officer resources and staff to use Sheriff's Office facilities for the purpose of assisting his re-election campaign by sending out a press release of an organization that endorsed his campaign.
3. The Respondent did not violate RCW 42.17A.575.

ORDER

ON the basis of the foregoing Findings of Fact and Conclusions of Law,

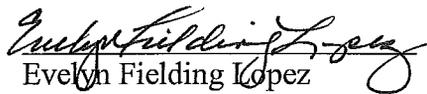
IT IS HEREBY ORDERED that the Respondent is assessed a \$350 civil penalty, of which \$250 of the penalty is suspended on the following conditions: (1) The Respondent commits no further violations of RCW 42.17A for a period of four years from the date of the order; and (2) The \$100 non-suspended portion of the penalty is paid within 30 days of the date of the Order.

IT IS HEREBY ORDERED that the allegation concerning a violation of RCW 42.17A.575 against the Respondent is dismissed.

This is an **Initial Order** of the Public Disclosure Commission.

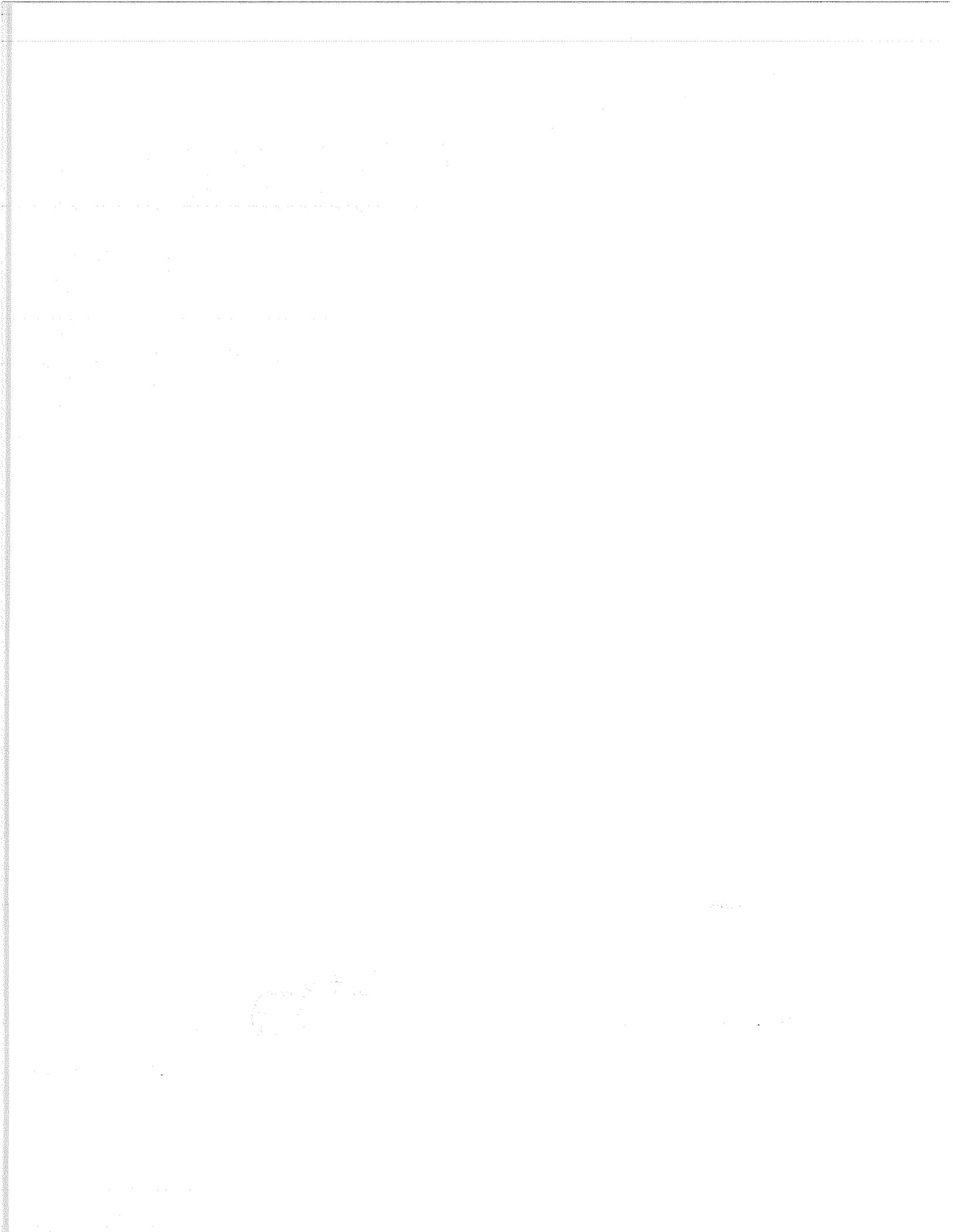
Entered this 22nd day of December, 2015.

Public Disclosure Commission


Evelyn Fielding Lopez
Executive Director

I, Kent Young, certify that I mailed a copy of this order to the Respondent/Applicant at his/her respective address postage pre-paid on the date stated herein.

Enclosure: Information about Appeal Rights



**INFORMATION ABOUT APPEALS OF INITIAL ORDERS,
FURTHER APPEAL RIGHTS,
AND ENFORCEMENT OF FINAL ORDERS**

APPEALS

REVIEW OF INITIAL ORDER - BY THE COMMISSION

The presiding officer will issue an initial order following a brief enforcement hearing. Any party may request the Commission **review** an initial order. Parties seeking the review must:

- Make the request orally or in writing, stating the reason for review. *WAC 390-37-144.*
- Deliver the request so it is received at the Commission office within **TWENTY-ONE (21) BUSINESS DAYS** after the postmark date of the initial order.

A Respondent does not need to pay a penalty until after the Commission rules on the request. If the Commission is unable to schedule a meeting to consider the request within twenty (20) business days, the initial order becomes a **final order** and the request will automatically be treated as a **request for reconsideration** of a final order (unless the party advises the Commission otherwise, such as by withdrawing the request). See more information on reconsideration below.

If the request for review was an oral request, it must now be confirmed in writing. The matter will be scheduled before the full Commission as soon as practicable. If the Commission does not receive a request for review within twenty-one (21) business days, the initial order will automatically become a **final order**. At that point, the Respondent is legally obligated to pay the penalty unless reconsideration has been sought or the matter has been timely appealed to Superior Court. *RCW 42.17A.755; RCW 34.05.470; RCW 34.05.570.*

RECONSIDERATION OF FINAL ORDER – BY THE COMMISSION

Any party may ask the Commission to **reconsider** a final order. Parties seeking reconsideration must:

- Make the request in writing;
- Include the specific grounds or reasons for the request; and
- Deliver the request to the PDC office so it is received within **TWENTY-ONE (21) BUSINESS DAYS** of the date that the Commission serves this order upon the party. *WAC 390-37-150.*

- Note: the date of service by the Commission on a party is considered the date of mailing by U.S. mail if the order is mailed, or the date received if the order is personally served. RCW 34.05.010(19). (The Commission orders are generally mailed via U.S. mail.)

Within twenty (20) business days after the petition for reconsideration is filed, the Commission may either act on the petition or notify the parties in writing of the date by which it will act. If neither of these events happens within twenty business days, the Commission is deemed to have denied the petition for reconsideration. *WAC 390-37-150*.

A Respondent is not required to ask the Commission to reconsider a final order before seeking judicial review by a superior court. *RCW 34.05.470(5)*.

FURTHER APPEAL RIGHTS – SUPERIOR COURT

A **final order** issued by the Public Disclosure Commission is subject to **judicial review** under the Administrative Procedure Act (APA), chapter 34.05 RCW. *RCW 42.17A.755*. The procedures are provided in the APA at RCW 34.05.510 - .574.

ENFORCEMENT OF FINAL ORDERS

If **enforcement** of a final order is required, the Commission may seek to enforce a final order in superior court under RCW 42.17A.755 - .760, and recover legal costs and attorney's fees if a penalty remains unpaid and no petition for judicial review has been filed. This action will be taken without further order by the Commission.